

AMENDED IN ASSEMBLY MARCH 16, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

House Resolution

No. 10

Introduced by Assembly Members Hayashi and Swanson

March 7, 2011

House Resolution No. 10—Relative to Chief Justice Earl Warren Day.

1 WHEREAS, May 17, 2011, marks the 57th anniversary of the
2 United States Supreme Court decision, *Brown v. Board of*
3 *Education of Topeka* ~~(1953)~~ (1954) 347 U.S. 483, and it is deemed
4 appropriate to designate a memorial day to commemorate Earl
5 Warren as former Chief Justice of the United States for writing
6 the landmark decision that was unanimously adopted by the court
7 and for serving as an outstanding Governor of California; and
8 WHEREAS, Earl Warren was born March 19, 1891, in Los
9 Angeles, and was raised and educated in the public schools of
10 Bakersfield while delivering newspapers, groceries, and blocks of
11 ice during grade school. Later, in high school, at age 15, he worked
12 12 hours a day, six days a week as a railway mechanic's helper
13 and later as a call boy who rounded up crews before the train
14 departures, and at age 17, as a brakeman on freight trains out of
15 Bakersfield. All of these boyhood tasks made him keenly aware
16 of labor conditions and railroad injuries; and
17 WHEREAS, After a brief law practice and service in World
18 War I, he served as an Assemblyman's assistant and clerk to the
19 Assembly ~~Judiciary Committee~~ *Committee on Judiciary*; and
20 WHEREAS, He served honorably as Deputy City Attorney for
21 the City of Oakland from 1919 to 1920, Deputy District Attorney

1 of Alameda County from 1920 to 1925, and Alameda County
2 District Attorney for 14 years, from 1925 to 1939. During that
3 time, no case that Warren ever tried was reversed by a higher court.
4 He succeeded in cleaning up graft and corruption in local public
5 offices, hospitals, and county jails, and illegal gambling. In 1930,
6 he was reelected to a second term by the largest majority for a
7 district attorney in Alameda County history; and

8 WHEREAS, Earl Warren earnestly introduced administrative
9 reforms for the office, revitalizing it to the extent that a prominent
10 national survey concluded that his office was the most efficient
11 district attorney's office in the country, and he was further declared
12 in 1934 "the best District Attorney in the United States"; and

13 WHEREAS, In 1938, Earl Warren won the Republican,
14 Progressive, and Democratic nominations for Attorney General,
15 serving a four-year term from 1939 to 1943. He reorganized the
16 office for more powerful responsibilities, helping to establish legal
17 aid associations and a public defender system, and winning
18 \$7,000,000 for California Native Americans under the so-called
19 "lost" 1851–52 treaties; and

20 WHEREAS, Earl Warren was elected president of the National
21 Association of Attorneys General in 1940; and

22 WHEREAS, As Attorney General, Earl Warren responded to
23 requests by the executive branch of the federal government to
24 participate in the internment of Japanese Americans in California;
25 and

26 WHEREAS, Earl Warren has apologized in his memoirs for his
27 decisions related to the internment of Japanese Americans in this
28 state; and

29 WHEREAS, In his memoirs he stated, "I was
30 conscience-stricken. It was wrong to react so impulsively, without
31 positive evidence of disloyalty, even though we felt we had a good
32 motive in the security of our state. It demonstrates the cruelty of
33 war when fear, get-tough military psychology, propaganda, and
34 racial antagonism combine with one's responsibility for public
35 security to produce such acts. I have since deeply regretted the
36 removal order and my own testimony advocating it, because it was
37 not in keeping with our American concept of freedom and the
38 rights of citizens"; and

39 WHEREAS, Earl Warren was elected Governor of California
40 three times with unprecedented bipartisan support in 1942, 1946,

1 and 1950. In January 1943, during the World War II years, Earl
2 Warren led the state with calmness and tolerance, initiating modern
3 and progressive programs that included raising pensions for old
4 age assistance, reforming workers' compensation, and expanding
5 unemployment insurance benefits for workers of small businesses
6 to include widows and children of killed workers. He provided
7 more funds for poor school districts, constructed more schools and
8 hospitals than any Governor in United States history, obtained
9 more beaches and parks, established child care centers for
10 employed mothers, and created what was formerly known as the
11 Department of the Youth Authority in California, which model
12 was adopted by other states; and

13 WHEREAS, Earl Warren continually urged the Legislature to
14 create a Fair Employment Practices Commission, and enact
15 legislation limiting exorbitant interest rates suffered by wage
16 earners and the poor; and

17 WHEREAS, In 1945, he made valiant attempts to have the
18 Legislature create a statewide mandatory health insurance program;
19 and

20 WHEREAS, Earl Warren lived simply in the historic Governor's
21 Mansion at 16th and H Streets with his wife Nina and six children,
22 Virginia, Earl, Jr., Dorothy, Nina, Elizabeth, and Robert, having
23 his home number publicly listed in the telephone book. Their sole
24 income was his state salary, but he never deviated from his duties
25 *in order* to augment his modest state income; and

26 WHEREAS, Earl Warren walked Sacramento's streets daily,
27 usually from the Governor's Mansion to the Capitol, generally
28 diverging from his walk and wandering into a barbershop to wait
29 for a haircut, talking to gardeners, greeting secretaries and elevator
30 operators, and wearing a path on the greensward of State Office
31 Building No. 1 when leaving his Capitol office to lunch at the
32 Sutter Club or small ethnic cafes; and

33 WHEREAS, In 1948, he was the vice presidential candidate on
34 the Republican ticket headed by Thomas E. Dewey; and

35 WHEREAS, On September 30, 1953, Dwight David Eisenhower,
36 the 34th President of the United States, announced that he was
37 nominating Earl Warren to be the 14th Chief Justice of the United
38 States Supreme Court, an interim appointment until the Senate
39 could confirm the nominee; and

1 WHEREAS, Earl Warren resigned as Governor on October 4,
2 1953, and took two solemn oaths of office on October 5 in the
3 Supreme Court chamber, one before President Eisenhower; and

4 WHEREAS, On May 17, 1954, two months after Senate
5 confirmation of his permanent appointment, Earl Warren wrote
6 the landmark opinion in *Brown v. Board of Education of Topeka*,
7 holding that segregated public schools violated the 14th
8 Amendment. “Separate educational facilities,” he wrote, “are
9 inherently unequal.” That decision, which began a series of attacks
10 on the Warren Court, later was extended to public transportation,
11 recreation, and other public areas, and has struck down every
12 different type of treatment on racial grounds that ~~had~~ *has* come
13 before the court, including laws against interracial marriages; and

14 WHEREAS, Earl Warren, during his international travels on
15 behalf of the President and the judiciary, discovered that he was
16 an international celebrity who symbolized America as a humane
17 nation in many emerging countries due to his desegregation
18 decisions; and

19 WHEREAS, Earl Warren lived to see his concepts of American
20 society accepted by most of the nation despite bitter and continuing
21 controversy. His appointment to the Supreme Court may
22 historically be the single most important executive act of President
23 Eisenhower; and

24 WHEREAS, In recognition of the contributions made by Chief
25 Justice Earl Warren to the nation and our state, it would be a fitting
26 tribute to designate a memorial day in his honor; now, therefore,
27 be it

28 *Resolved by the Assembly of the State of California*, That the
29 Assembly designates March 19, 2011, and each March 19
30 thereafter, as Chief Justice Earl Warren Day; and be it further

31 *Resolved*, That the Chief Clerk of the Assembly transmit copies
32 of this resolution to the author for appropriate distribution.